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10/549,283	06/21/2006	Yasunori Hatamura	278215US6YAPCT	2461
22850 7590 11/13/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ZERVIGON, RUDY				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
11/13/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/549,283

Applicant(s)

HATAMURA ET AL.

Examiner

Rudy Zervigon

Art Unit

1792

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-5, 7-10, and 21-27 are rejected under 35 U.S.C. 102(a,e) as being anticipated by Schneider; Gerhard M. et al. (US 6364957 B1). Schneider teaches a focus ring assembly (130; Figure 3, 11; column 8; lines 45-67) comprising: a focus ring (290; Figure 3, 11; column 8; lines 45-67) including a step receiving surface (290/215 interface; Figure 11) positioned on a substrate holder (245; Figure 11) and located below a backside surface of a substrate (15; Figure 11), and an outer radial lip surface (outermost radial position of 290; Figure 8) positioned radially outward from a peripheral edge (see below intended use arguments) of the substrate (15; Figure 11); and a secondary focus ring (282; Figure 11) positioned on the step receiving surface (290/215 interface; Figure 11) of the focus ring (290; Figure 3, 11; column 8; lines 45-67), the secondary focus ring (282; Figure 11) including an inner radial edge surface (innermost radial edge of 282) positioned radially outward (see intended use position) from the peripheral edge of the substrate (15; Figure 11), wherein said focus ring (290; Figure 3, 11; column 8; lines 45-67) is configured to couple to the focus ring assembly (130; Figure 11) which is configured to support the substrate (15; Figure 3) exposed to a process in a processing system (Figure 3), and said secondary focus ring (282; Figure 11) is configured to reduce deposition of material (column 9, lines 5-19) from said process on the backside surface of said substrate (column 8; line 37), as claimed by claim 1. Applicant's amended claim requirements of "the secondary focus ring including an inner radial edge surface positioned radially outward from the peripheral edge

of the substrate” and “positioned radially outward from a peripheral edge of the substrate” are intended use claim requirements in the pending apparatus claims depending on the size (diameter) of the substrate 15 used. Further, it has been held that claim language that simply specifies an intended use or field of use for the invention generally will not limit the scope of a claim (Walter , 618 F.2d at 769, 205 USPQ at 409; MPEP 2106). Additionally, in apparatus claims, intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim (In re Casey, 152 USPQ 235 (CCPA 1967); In re Otto , 136 USPQ 458, 459 (CCPA 1963); MPEP2111.02).

With respect to Applicant’s claim requirements of “said secondary focus ring is configured to reduce deposition of material from said process on the backside surface of said substrate”, when the structure recited in the reference is substantially identical to that of the claims, claimed properties or functions are presumed to be inherent (In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977); MPEP 2112.01).

Schneider further teaches:

- i. The focus ring assembly (Figure 11) as recited in claim 1, wherein said secondary focus ring (282; Figure 11) comprises a compliant material (column 9, lines 5-19), as claimed by claim 2
- ii. The focus ring assembly (Figure 11) as recited in claim 2, wherein said compliant material (column 9, lines 5-19) comprises at least one of silicone rubber, polyimide, and Teflon, as claimed by claim 3

- iii. The focus ring assembly (Figure 11) as recited in claim 1, wherein said secondary focus ring (282; Figure 11) comprises a rigid material (column 9, lines 5-19), as claimed by claim 4
- iv. The focus ring assembly (Figure 11) as recited in claim 4, wherein said rigid material (column 9, lines 5-19) comprises at least one of a ceramic material (column 9, lines 5-19), silicon, silicon carbide, silicon nitride, silicon dioxide, carbon, sapphire, and alumina, as claimed by claim 5
- v. The focus ring assembly (Figure 11) as recited in claim 1, wherein a clearance space is formed between said substrate (15; Figure 3) and said focus ring (290; Figure 3, 11; column 8; lines 45-67), and said clearance space exposes at least a portion of said backside surface on said substrate (15; Figure 3) and said secondary focus ring (282; Figure 11) reduces said clearance space – Figure 6, as claimed by claim 7. However, Applicant's claim requirements are believed to be claim requirements of intended use in the pending apparatus claims. Applicant's claim requirements hinge on the dimension(s) of the substrate *used*. Further, it has been held that claim language that simply specifies an intended use or field of use for the invention generally will not limit the scope of a claim (Walter , 618 F.2d at 769, 205 USPQ at 409; MPEP 2106). Additionally, in apparatus claims, intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim (In re Casey, 152 USPQ 235 (CCPA 1967); In re Otto , 136 USPQ 458, 459 (CCPA 1963); MPEP2111.02).

- vi. The focus ring assembly (Figure 11) as recited in claim 7, wherein said secondary focus ring (282; Figure 11) reduces exposure of said backside surface (column 8; line 37), as claimed by claim 8. When the structure recited in the reference is substantially identical to that of the claims, claimed properties or functions are presumed to be inherent (In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977); MPEP 2112.01).
- vii. The focus ring assembly (Figure 11) as recited in claim 1, wherein a portion (15-290/282/245 gap) of said backside surface on said substrate (15; Figure 3) is exposed and wherein said secondary focus ring (282; Figure 11) reduces said exposure of said backside surface (column 8; line 37), as claimed by claim 9. When the structure recited in the reference is substantially identical to that of the claims, claimed properties or functions are presumed to be inherent (In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977); MPEP 2112.01).
- viii. The focus ring assembly (Figure 11) as recited in claim 1, wherein said secondary focus ring (282; Figure 11) makes contact with said substrate (15; Figure 3) and makes contact with said focus ring (290; Figure 3, 11; column 8; lines 45-67), as claimed by claim 10.
- ix. The focus ring assembly (Figure 11) as recited in claim 1, wherein the inner radial edge surface (innermost radial edge of 290) of the focus ring (290; Figure 3, 11; column 8; lines 45-67) is positioned radially outward from the inner radial edge surface (innermost radial edge of 282) of the secondary focus ring (282; Figure 3, 11; column 8; lines 45-67), as claimed by claim 21
- x. The focus ring assembly (Figure 11) as recited in claim 1, wherein the inner radial edge surface (innermost radial edge of 290) of the focus ring (290; Figure 3, 11; column 8;

- lines 45-67) is positioned radially outward from and in contact with an outer radial edge surface of the secondary focus ring (282; Figure 3, 11; column 8; lines 45-67), as claimed by claim 22
- xi. The focus ring assembly (Figure 11) as recited in claim 1, wherein the secondary focus ring (282; Figure 3, 11; column 8; lines 45-67) has an annular shape and a cross-section of the secondary focus ring (282; Figure 3, 11; column 8; lines 45-67) has a rectangular shape, as claimed by claim 23
- xii. The focus ring assembly (Figure 11) as recited in claim 1, wherein the focus ring (290; Figure 3, 11; column 8; lines 45-67) has an annular shape and a cross-section of the secondary focus ring (282; Figure 3, 11; column 8; lines 45-67) has an L-shape, as claimed by claim 24
- xiii. The focus ring assembly (Figure 11) as recited in claim 1, wherein the secondary focus ring (282; Figure 3, 11; column 8; lines 45-67) is positioned entirely radially outward from the substrate, as claimed by claim 25 – depends on size of substrate, as claimed by claim 25
- xiv. The focus ring assembly (Figure 11) as recited in claim 1, wherein the secondary focus ring (282; Figure 3, 11; column 8; lines 45-67) includes an upper surface that is substantially planar with a top surface of the substrate, as claimed by claim 26
- xv. The focus ring assembly (Figure 11) as recited in claim 26, wherein the focus ring (290; Figure 3, 11; column 8; lines 45-67) includes an upper surface that is substantially planar with the upper surface of the secondary focus ring (282; Figure 3, 11; column 8; lines 45-67) and the top surface of the substrate, as claimed by claim 27

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider; Gerhard M. et al. (US 6364957 B1) in view of Wicker; Thomas E. et al. (US 6464843 B1). Schneider is discussed above. Schneider does not teach that the focus ring assembly (Figure 11) as recited in claim 1, wherein said secondary focus ring (282; Figure 11) comprises silicon having a resistivity less than or equal to $1\ \Omega\text{-cm}$.

Wicker teaches a plasma processing system (Figure 1) employing focus rings with resistivities of below $200\ \Omega\text{-cm}$ (column 6; lines 50-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for Schneider to use materials with resistivities of below $200\ \Omega\text{-cm}$ as taught by Wicker.

Motivation for Schneider to use materials with resistivities of below $200\ \Omega\text{-cm}$ as taught by Wicker is for reducing particle contamination in the processed wafer as taught by Wicker (column 6, lines 1-15).

Response to Arguments

5. Applicant's arguments with respect to claims 1-5 and 7-10 have been considered but are moot in view of the new grounds of rejection.

6. With respect to the Examiner's interview of June 26, 2009, the Examiner reserves the final conclusion of anticipation under Schneider; Gerhard M. et al. (US 6364957 B1) when the amended claims and time for a complete reanalysis of Schneider in view thereof. Further, the Examiner believes that the claim amendments discussed during the interview are apparently not

reflected in the claim amendment of July 2, 2009. Applicant's apparently are attempting to claim the Figure 4 embodiment, however, as the Examiner's *new grounds* of anticipation rejection suggests, said embodiment remains anticipated by Schneider under the *new grounds* of rejection presented above. The Examiner welcomes additional interviews upon request.

7. The remainder of Applicant's arguments are centered on the Examiner's prior analysis of Schneider, of which, are now moot in view of the amended claims.

Conclusion

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (571) 272-1442. The examiner can normally be reached on a Monday through Friday schedule from 9am through 5pm. The fax phone number for the organization where this application or proceeding is

Art Unit: 1792

assigned is 571-273-8300. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (571) 272-1700. If the examiner can not be reached please contact the examiner's supervisor, Parviz Hassanzadeh, at (571) 272- 1435

/Rudy Zervigon/

Primary Examiner, Art Unit 1792